

NOV 15 2010

Att'y Docket: 2711.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re US Patent to:)
Garcia-Sinclair et al.)
Patent No. US 6,359,401 B1)
Date of Patent: March 19, 2002)
For: MULTI-PHASE BIPOLAR)
BRUSHLESS D.C. MOTOR)
Los Angeles, California)

Date of Expiration:
April 19, 2006

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NOV 22 2010

OFFICE OF PETITIONS

**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT UNDER 37 CFR 1.378(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

12/01/2010 CKHLOK 00000013 6359401
01 FC:1599 2560:00:00

2010 NOV 17 PM 4:10
USPTO ACCOUNTING

Dear Commissioner:

The above-referenced patent ("expired patent") expired on April 19, 2006 for failure to timely pay the 3.5 year maintenance fee, and thus, the Petitioner files this petition to accept unavoidably delayed payment of maintenance fee in an expired patent under 35 U.S.C. §41(b) and 37 CFR 1.378(b).

1. Legal Standard

37 CFR 1.378(b) provides that a patent may be reinstated at any time following expiration of the patent for failure to timely pay a maintenance fee. A petition to accept late payment of a maintenance fee, where the delay was unavoidable, must include: (A) the required maintenance fee set forth in 37 CFR 1.20(e)-(g); (B) the surcharge set forth in 37 CFR 1.20(i)(1); and (C) a showing that the delay was unavoidable since reasonable care was taken to ensure that the

maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent.

A showing of unavoidable delay based upon financial condition must establish that the financial condition of the responsible party during the entire period of the delay was such as to excuse the entire delay. *In re* Patent No. 5,085,327, Paper No. 13, at 7 (Comm'r Pat. Dec. 23, 1999).

2. Submission of Appropriate Maintenance Fee

The Petitioner submits Credit Card Payment Form to authorize the Director to charge payment of the 3.5 year and 7.5 year maintenance fees along with surcharges, totaling \$2560.00. The Director is also authorized to charge any maintenance fee, surcharge or petition deficiency to the credit card. The breakdown of the payment is as follows:

3.5 year maintenance fee:	490
Surcharge – 3.5 year:	65
7.5 year maintenance fee:	1,240
Surcharge – 7.5 year:	65
Surcharge after expiration (unavoidable):	700

Total: \$2560.00	

3. Title Holder of the Expired Patent

The above-referenced patent was issued on March 19, 2002 and assigned to Ultimate Motroller Corporation, Inc. ("UMC") on October 16, 2000. Then, the patent was assigned to Cyclonatrix, Inc ("Petitioner") in November, 2010.

Therefore, UMC has been responsible for payment of 3.5 year maintenance fee as a legitimate title holder of the expired patent.

4. Reasonable Care Taken by UMC to Ensure Maintenance Fee Payment

The delay of the 3.5 year maintenance fee payment was unavoidable since UMC has taken reasonable care to ensure that the maintenance fee would be paid timely and that the

petition was filed promptly after UMC was notified of, or otherwise became aware of, the expiration of the patent.

UMC has been aware of 3.5 year maintenance fee payment which was payable between Mar 19, 2005 and March 19, 2006. However, UMC has become financially broke and unable to operate its business since 2003. UMC tried to find investors and potential buyer of the expired patent, but to no avail until 2009. In 2009, the Petitioner showed interest in the expired patent and suggested financial support for reinstating the expired patent. With the Petitioner's financial support, UMC filed a petition to accept unintentionally delayed payment of maintenance fee in an expired patent under 37 CFR 1.378(c) in 2009, but the petition was denied on February 25, 2010. Thereafter, UMC tried to find another investor, but failed to get any financial investment enough to file another petition under 37 CFR 1.378(b). In November, 2010, the Petitioner decided to buy the expired patent and handle the petition directly with the PTO and UMC assigned the expired patent to the Petitioner.

Thus, UMC's financial hardship during the entire period of the delay was such as to excuse the entire delay. UMC has at all times taken reasonable care to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after UMC was notified of, or otherwise became aware of, the expiration of the patent.

Please find the following exhibits in support of the facts above:

- EXHIBIT A:** Declaration of David Choi, Investor and Later CEO of UMC, showing UMC's financial hardship such as to excuse the entire delay of the maintenance fee payment.
- EXHIBIT B:** UMC's 2003 Bank Account Statements, showing its balance of less than \$10.00 and proving UMC's financial hardship since 2003.
- EXHIBIT C:** Statement of Information Last Filed in 2003 with the Secretary of State of California.
- EXHIBIT D:** California Secretary of State Website, showing UMC's status as suspended and UMC's stop doing business as a corporation.

The Petitioner respectfully submits this petition for your immediate and favorable consideration and requests this petition be granted.

Very truly yours,

Park Law Firm

Dated: 11/15, 2010


By: _____

Choongseop Lee, Ph.D.
Regis. No. 57,051

3255 Wilshire Blvd., Suite 1110
Los Angeles, California 90010
Tel: (213) 389-3777

NOV 15 2010

DECLARATION OF DAVID CHOI

I, David Choi, declare as follows:

1. I have been an investor of Ultimate Motroller Corporation, Inc. (hereinafter "UMC") and became a Director and CEO of UMC in 2006. The facts herein are within my personal knowledge and if called to testify, I would be competent to do so.

2. As an investor and current CEO of UMC, I have direct knowledge of UMC's internal affairs and financial situation since 2000.

3. Since early 2000, UMC incurred many financial losses and was involved in several litigations as a defendant. Whatever income we had went to addressing the multiple litigations, leaving us in a very vulnerable state concerning other business matters.

4. The situation gradually worsened and beginning from 2003, UMC finally was unable to pay any business expenses; we were essentially broke and unable to keep up with our business and financial responsibilities, including the maintenance of U.S. patents, specifically the maintenance of U.S. Patent No. 6,359,401 (hereinafter "Patent").

5. I have been aware that the 3.5 year maintenance fee for the Patent was due and was notified of its expiration. But given the financial situation of UMC, we could not make the 3.5 maintenance fee payment.

6. In 2006, I became the CEO of UMC, which had stopped its operation, and inherited the responsibility of finding investors to help revive UMC.

7. Among other things, I tried to find investors to finance the maintenance fee payment, but I was unsuccessful.

8. In 2009, Cyclonatix, Inc. showed interest in buying the expired Patent.

9. Cyclonatix offered financial support to reinstate the expired Patent. Therefore I filed a petition in 2009 which was denied in February 2010.

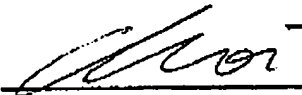
1 10. With the denied petition, I tried once again to find investors to buy the
2 expired Patent in 2010 but I was unsuccessful.

3 11. Around August 2010, Cyclonatix offered to take over the assignment
4 of the expired Patent and handle the petition to reinstate it.

5 12. In November 2010, I assigned the expired Patent to Cyclonatix.

6
7 I declare under penalty of perjury under the laws of the United States and the
8 State of California that the foregoing is true and correct to the best of my
9 knowledge.

10
11 Executed on November 8, 2010 in Los Angeles, California.

12
13
14 
15 David Choi



NARA BANK, N.A.
OLYMPIC OFFICE
2727 W OLYMPIC BLVD.
LOS ANGELES CA. 90006

PHONE: 213-389-2000

004 01 00

ULTIMATE MOTOROLA CORPORATION
2975 WILSHIRE BLVD #415
LOS ANGELES CA 90010

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BUSINESS CHECKING
ACCOUNT: 108904801

05/01/03 THRU 05/30/03

PAGE 1

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BUSINESS CHECKING ACCOUNT 108904801

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		LAST STATEMENT 04/30/03	425.27
MINIMUM BALANCE	262.43	CREDITS	.00
AVG AVAILABLE BALANCE	378.04	3 DEBITS	171.34
AVERAGE BALANCE	378.04	THIS STATEMENT 05/30/03	253.93

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1001	05/21	127.59	1002
			05/27
			35.25

----- OTHER DEBITS -----		DATE	AMOUNT
DESCRIPTION			
SERVICE CHARGE		05/30	8.50

----- DAILY BALANCE -----			
DATE	BALANCE	DATE	BALANCE
05/21	297.68	05/27	262.43
		05/30	253.93

- END OF STATEMENT -

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DATE: 06/30/03

ACCOUNT: 108904801

TELEPHONE: 213-389-2000

ULTIMATE MOTROLLER CORPORATION
2975 WILSHIRE BLVD #416
LOS ANGELES CA 90010

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BUSINESS CHECKING ACCOUNT 108904801

		LAST STATEMENT 05/30/03	253.93
MINIMUM BALANCE	380.25	1 CREDITS	700.00
AVG AVAILABLE BALANCE	473.22	9 DEBITS	583.43
AVERAGE BALANCE	473.22	THIS STATEMENT 06/30/03	370.50

DEPOSITS

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CHECKS

CHECK #	DATE	AMOUNT	CHECK #	DATE	AMOUNT	CHECK #	DATE	AMOUNT
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1004	06/03	36.44	1008	06/09	106.05			
1005*	06/03	15.77	1009	06/12	39.19			

(*) INDICATES A GAP IN CHECK NUMBER SEQUENCE

OTHER DEBITS

DESCRIPTION	DATE	AMOUNT
NOS COMMUNICATIO ECHECK	06/04	97.62
SERVICE CHARGE	06/30	9.75

DAILY BALANCE

DATE	BALANCE	DATE	BALANCE	DATE	BALANCE
06/02	953.93	06/06	552.10	06/30	370.50
06/03	901.72	06/09	446.05		
06/04	804.10	06/12	406.86		

- END OF STATEMENT -

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 2727 W OLYMPIC BLVD.
 LOS ANGELES CA. 90006

004 01 00 PAGE: 1
 DATE: 07/31/03 ACCOUNT: 108904801

TELEPHONE: 213-389-2000

ULTIMATE MOTROLLER CORPORATION 30
 2975 WILSHIRE BLVD #416 0
 LOS ANGELES CA 90010 4

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BUSINESS CHECKING ACCOUNT 108904801

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		LAST STATEMENT 06/30/03	370.50
MINIMUM BALANCE	22.04	1 CREDITS	200.00
AVG AVAILABLE BALANCE	209.24	5 DEBITS	557.46
AVERAGE BALANCE	289.24	THIS STATEMENT 07/31/03	13.04

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----- CHECKS -----

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1011	07/14	475.00	1013	07/15	10.00			
1012	07/15	27.85	1014	07/15	35.61			

----- OTHER DEBITS -----

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SERVICE CHARGE	07/31	5.00

----- DAILY BALANCE -----

DATE	BALANCE	DATE	BALANCE	DATE	BALANCE
07/08	570.50	07/15	22.04		
07/14	95.50	07/31	13.04		

- END OF STATEMENT -

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DATE: 08/29/03 ACCOUNT: 108904801

TELEPHONE: 213-389-2000

ULTIMATE MOTROLLER CORPORATION 30
2975 WILSHIRE BLVD #416 0
LOS ANGELES CA 90010 1

BUSINESS CHECKING ACCOUNT 108904801

LAST STATEMENT 07/31/03 13.04
MINIMUM BALANCE 13.04 2 CREDITS 288.33
AVG AVAILABLE BALANCE 59.12 2 DEBITS 39.75
AVERAGE BALANCE 91.99 THIS STATEMENT 08/29/03 261.62

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REF #.....DATE.....AMOUNT REF #.....DATE.....AMOUNT REF #.....DATE.....AMOUNT
08/11 50.00 08/22 238.33

CHECKS
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1015 08/12 31.50

OTHER DEBITS
DESCRIPTION DATE AMOUNT
SERVICE CHARGE 08/29 8.25

DAILY BALANCE
DATE.....BALANCE DATE.....BALANCE DATE.....BALANCE
08/11 63.04 08/22 269.87
08/12 31.54 08/29 261.62

- END OF STATEMENT -

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ACCOUNT: 108904801

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ULTIMATE MOTOROLLER CORPORATION
2975 WILSHIRE BLVD #416
LOS ANGELES CA 90010

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BUSINESS CHECKING ACCOUNT 108904801

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		LAST STATEMENT 09/30/03	253.62
MINIMUM BALANCE	103.62	CREDITS	.00
AVG AVAILABLE BALANCE	243.94	2 DEBITS	158.25
AVERAGE BALANCE	243.94	THIS STATEMENT 10/31/03	95.37

----- CHECKS -----

CHECK #	DATE	AMOUNT	CHECK #	DATE	AMOUNT	CHECK #	DATE	AMOUNT
1016	10/30	150.00						

----- OTHER DEBITS -----

DESCRIPTION	DATE	AMOUNT
SERVICE CHARGE	10/31	8.25

----- DAILY BALANCE -----

DATE	BALANCE	DATE	BALANCE	DATE	BALANCE
10/30	103.62	10/31	95.37		

- END OF STATEMENT -

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Member FDIC



NARA BANK
 MAIN OFFICE
 2727 W OLYMPIC BLVD.
 LOS ANGELES CA. 90006

TELEPHONE: 213-389-2000

004 01 00
 DATE: 11/28/03

PAGE: 1
 ACCOUNT: 108904801

ULTIMATE MOTROLLER CORPORATION
 2975 WILSHIRE BLVD #416
 LOS ANGELES CA 90010

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BUSINESS CHECKING ACCOUNT 108904801

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		LAST STATEMENT 10/31/03	95.37
MINIMUM BALANCE	70.37	CREDITS	.00
AVG AVAILABLE BALANCE	85.54	2 DEBITS	33.25
AVERAGE BALANCE	85.54	THIS STATEMENT 11/28/03	62.12

CHECKS			
CHECK #	DATE	AMOUNT	CHECK #
2	11/18	25.00	

OTHER DEBITS		DATE	AMOUNT
DESCRIPTION			
SERVICE CHARGE		11/28	8.25

DAILY BALANCE			
DATE	BALANCE	DATE	BALANCE
11/18	70.37	11/28	62.12

- END OF STATEMENT -

NOV 15 2010

03-338643



State of California
Kevin Shelley
Secretary of State
STATEMENT OF INFORMATION
(Domestic Stock Corporation)

IMPORTANT — READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

1. CORPORATE NAME: (Please do not alter. If name is preprinted.)

C11793793
Ultimate Motroller Corporation
2975 Wilshire Blvd, #416
Los Angeles, CA 90010

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

AUG 25 2003

KEVIN SHELLEY, Secretary of State

This Space For Filing Use Only

CALIFORNIA CORPORATE DISCLOSURE ACT (Corporations Code Section 1502)

2. ☐ CHECK HERE IF THE CORPORATION IS PUBLICLY TRADED. IF PUBLICLY TRADED, COMPLETE THIS STATEMENT OF INFORMATION AND THE CORPORATE DISCLOSURE STATEMENT (FORM SI-PTSUPP). SEE ITEM 2 OF INSTRUCTIONS.

NO CHANGE STATEMENT

3. ☐ IF THERE HAS BEEN NO CHANGE IN ANY OF THE INFORMATION CONTAINED IN THE LAST STATEMENT OF INFORMATION FILED WITH THE SECRETARY OF STATE, INCLUDING ANY INFORMATION CONTAINED IN FORM SI-PTSUPP, CHECK THE BOX AND PROCEED TO ITEM 17. IF THERE HAVE BEEN ANY CHANGES TO THE INFORMATION CONTAINED IN EITHER FORM, BOTH FORMS MUST BE COMPLETED IN THEIR ENTIRETY.

COMPLETE ADDRESSES FOR THE FOLLOWING (Do not abbreviate the name of the city. Items 4 and 5 cannot be PO Boxes.)

4. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE CITY AND STATE ZIP CODE
2975 Wilshire Blvd #416 Los Angeles CA 900105. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY CITY STATE ZIP CODE
Same as above CA6. MAILING ADDRESS CITY AND STATE ZIP CODE
Same as above

NAMES AND COMPLETE ADDRESSES OF THE FOLLOWING OFFICERS (The corporation must have these three officers. A comparable title for the specific officer may be added; however, please do not alter the preprinted title on this statement.)

7. CHIEF EXECUTIVE OFFICER/ ADDRESS CITY AND STATE ZIP CODE
Kibong Park 2975 Wilshire Blvd, #416 Los Angeles, CA 900108. SECRETARY/ ADDRESS CITY AND STATE ZIP CODE
Kibong Park Same as above9. CHIEF FINANCIAL OFFICER/ ADDRESS CITY AND STATE ZIP CODE
Kibong Park Same as above

NAMES AND COMPLETE ADDRESSES OF ALL DIRECTORS, INCLUDING DIRECTORS WHO ARE ALSO OFFICERS (The corporation must have at least one director. Attach additional pages, if necessary.)

10. NAME ADDRESS CITY AND STATE ZIP CODE
Sang Man Han 2975 Wilshire Bl, #416 Los Angeles CA 9001011. NAME ADDRESS CITY AND STATE ZIP CODE
Yong Hwan Kei 2975 Wilshire Bl, #416 Los Angeles CA 9001012. NAME ADDRESS CITY AND STATE ZIP CODE
Kibong Park 2975 Wilshire Bl, #416 Los Angeles CA 90010

LIST THE AGENT FOR SERVICE OF PROCESS (If an individual, the person named as agent must be a resident of California.)

14. CHECK THE APPROPRIATE PROVISION BELOW AND NAME THE AGENT FOR SERVICE OF PROCESS
☒ AN INDIVIDUAL RESIDING IN CALIFORNIA
☐ A CORPORATION WHICH HAS FILED A CERTIFICATE PURSUANT TO CALIFORNIA CORPORATIONS CODE SECTION 1505.

AGENT'S NAME Sang Man Han

15. ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL CITY STATE ZIP CODE
2975 Wilshire Blvd, #416 Los Angeles CA 9001016. DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION
Manufacturer17. THE CORPORATION CERTIFIES THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT ☒ YESKibong Park
TYPE OR PRINT NAME OF OFFICER OR AGENTPark Kei Bong
SIGNATURECEO
TITLE5/14/03
DATE

SI-200 N/C (REV 01/2003)



Secretary of State

Administration Elections Business Programs Political Reform Archives Registries

Business Entities (BE)

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- Business Search
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Main Page

Service Options

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- Tax Information
- Starting A Business
- International Business Relations Program

Customer Alert
(misleading business
solicitations)

Business Entity Detail

Data is updated weekly and is current as of Friday, October 29, 2010. It is not a complete or certified record of the entity.

Entity Name:	ULTIMATE MOTROLLER CORPORATION
Entity Number:	C1793793
Date Filed:	11/13/1996
Status:	SUSPENDED
Jurisdiction:	CALIFORNIA
Entity Address:	2975 WILSHIRE BLVD STE 416
Entity City, State, Zip:	LOS ANGELES CA 90010
Agent for Service of Process:	SANG MAN HAN
Agent Address:	2975 WILSHIRE BLVD STE 416
Agent City, State, Zip:	LOS ANGELES CA 90010

* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code section 2114 for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to Name Availability.
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to Information Requests.
- For help with searching an entity name, refer to Search Tips.
- For descriptions of the various fields and status types, refer to Field Descriptions and Status Definitions.

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